REMARKS

Reconsideration of the above identified application in view of the preceding amendments and following remarks is respectfully requested. Claims 1 and 4-21 are pending. By this Amendment, Applicants have amended Claims 1 and 4-21. The claim amendments were made to more precisely define the invention in accordance with 35 U.S.C. 112, paragraph 2. These amendments have not been necessitated by the need to distinguish the present invention from any prior art. It is respectfully submitted that no new matter has been introduced by these amendments, as support therefore is found throughout the specification and drawings.

In the Office Action, Claims 1, 4-9, 13, 14, and 16-20 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,745,038 to Callaway, Jr. et al. (Callaway) in view of U.S. Patent No. 6,028,851 to Persson et al. (Persson et al.). The Examiner's grounds for rejection are herewith traversed, and reconsideration is respectfully requested.

Callaway discloses a method for a wireless device in a piconet 100 having slave and master devices. Callaway estimates the distance between master and slave devices only in accordance with RSSI (i.e., a reception level). A Power control algorithm is applied so that received RSSI values are used to determine null location. The null information is used to compute the delta f value, and the path length difference, d, to determine location of the master device (see column 6, lines 26-51). As can be seen in Figure 7, the method of Callaway requires a reflector 710 to determine the essential path length difference according to the formula d=(b+a)-c. At column 8, lines 7-10, Callaway notes that the accuracy of the resulting calculation is only fair.

Further, as the Examiner points out, Callaway uses the RSSI values in

conjunction with transmitted power levels. However, Callaway does not suggest using the transmitted power levels to calculate a difference of any kind. Rather, Callaway uses the transmitted power level simply to maintain power levels within a set tolerance (see col. 7, lines 23-41).

Persson et al. disclose a control system with mobile stations or an automobile device MS1 in communication with a base station or fixed antenna BS (see Figure 3). The automobile device MS knows that a certain SIR is required to use the fixed antenna BS1 so the automobile device MS calculates the path loss from each base station BS that it is near. The path loss is determined by the fixed antenna BS transmitting its broadcast power so that it is known by the automobile device MS. The automobile device MS measures the received power of the signal from the fixed antenna BS to determine a difference between the transmitted and received power, i.e., the path loss. Thus, the automobile device calculates the power that it must transmit at in order to have its signal received at that fixed antenna BS. Persson et al. teach no reason for, let alone suggest, a communication between mobile devices that generates the path loss calculation.

There is nothing in either of these references that discloses or suggests, either alone or in combination, in whole or in part, the device defined by Claim 1 of the subject application. In particular, there is nothing in either Callaway or Persson et al. which discloses or suggests, a device for that includes, *inter alia,* a wireless communications system that includes (a) at least one mobile terminal and (b) a receiver that is mobile and includes (i) reception level acquisition means for acquiring respective reception levels of wireless signals transmitted from the at least one mobile terminals, wherein the

reception level acquisition means measures the respective reception levels of the wireless signals, (ii) transmission level acquisition means for acquiring respective transmission levels of the at least one mobile terminal, wherein the transmission level acquisition means retrieves respective transmission levels of the at least one mobile terminals contained in the wireless signals, (iii) difference value calculation means for calculating respective difference values between the transmission levels and the reception levels, and (iv) relative distance estimation means for estimating a relative distance to the mobile terminal in accordance with the respective difference values. Consequently, when the claimed invention of Claim 1 is properly considered as a whole, it is not obvious in view of the prior art because of the unique relative distance estimation is according to a different technique than that of the prior art, and occurs in a system without any fixed base stations unlike the prior art. Therefore, Claim 1 and each of the claims depending therefrom are not rendered obvious by the combination of references cited by the Examiner, and withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

Still further for the sake of argument, the combination of references cited does not teach or suggest, alone or in combination, in whole or in part, a plurality of mobile terminals, which function similarly to the mobile receiver of Claim 1 as recited in Claim 20. For this additional reason, Claim 20 is not rendered obvious by the combination of references cited by the Examiner, and withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

The allowance of Claim 21 is gratefully acknowledged by the Applicant's representative. Accordingly, Claim 21 has been rewritten in independent form including

all of the limitations of previously pending Claim 1. As a result, Claim 21 is in condition for allowance and an action acknowledging the same is respectfully requested.

In the Office Action, Claims 10-12, 16, 17 and 20 were rejected under 35 U.S.C. § 103 (a) over Callaway in view of Persson et al. and further in view of U.S. Patent No. 5,963,866 to Palamara et al. (Palamara). The Examiner's grounds for rejection are herewith traversed, and reconsideration is respectfully requested.

It is respectfully submitted that Palamara does not overcome the deficiencies of Callaway and Personn et al., as noted above with respect to Claim 1. Accordingly, Claim 1 and each of the claims depending therefrom are not rendered obvious by the combination of references cited by the Examiner and withdrawal of the rejection under 35 U.S.C. §103 (a) is respectfully requested.

In the Office Action, Claims 15, 16 and 17 were rejected under 35 U.S.C. § 103 (a) over Callaway in view of Persson et al. The Examiner's grounds for rejection are herewith traversed, and reconsideration is respectfully requested.

In addition to the reasons noted above, Claim 1 recites, *inter alia*, difference value calculation means for calculating respective difference values between the transmission levels and the reception levels, relative distance estimation means for estimating a relative distance to the mobile terminal in accordance with the respective difference values and wherein the transmission level acquisition means retrieve respective transmission levels of the mobile terminals contained in the wireless signals. Neither Callaway nor Persson et al teach or suggest this. Consequently, for at least these reasons, Claim 1 and each of the claims depending therefrom distinguish the subject invention from Callaway and Persson et al. and withdrawal of the rejection is respectfully

requested.

Any additional fees or overpayments due as a result of filing the present paper may be applied to Deposit Account No. 04-1105. It is respectfully submitted that all of the claims now remaining in this application are in condition for allowance, and such action is earnestly solicited.

If after reviewing this amendment, the Examiner believes that a telephone interview would facilitate the resolution of any remaining matters the undersigned attorney may be contacted at the number set forth herein below.

Respectfully submitted,

Date: February 13, 2007

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